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TONY ASBERRY,

11 Plair

Plaintiff, No. 2: 11-cv-2462 KJM KJN P

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ORDER

12 vs.

13 MATTHEW CATE, et al.,

14 Defendants.

15

Plaintiff is a state prisoner, proceeding without counsel, with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983.

On March 2, 2012, plaintiff filed a motion for leave to amend his complaint. Plaintiff's motion was not, however, accompanied by a proposed amended complaint. As a litigant proceeding in forma pauperis, plaintiff's pleadings are subject to evaluation by this court pursuant to the in forma pauperis statute. See 28 U.S.C. § 1915. Because plaintiff did not submit a proposed amended complaint, the court is unable to evaluate it. Plaintiff's motion for leave to amend must therefore be denied.

On March 2, 2012, plaintiff submitted seven copies of his second amended complaint necessary to effect service. By separate order, the undersigned directs the U.S. Marshal to serve the second amended complaint.

On March 2, 2012, plaintiff also filed a motion for an order directing prison officials to make copies of the second amended complaint. Because plaintiff submitted the copies of the second amended complaint necessary to effect service, the March 2, 2012 motion for an order directing prison officials to make these copies is denied as moot.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's March 2, 2012 motion for leave to amend (Dkt. No. 28) is denied;
- 2. Plaintiff's March 2, 2012 motion for a court order (Dkt. No. 29) is denied.

DATED: March 22, 2012

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE

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